

NOV 14 2018

**CASCADE COUNTY  
ZONING BOARD OF ADJUSTMENT**

Meeting Minutes  
Thursday October 4, 2018  
9:00 AM  
Room #105, Courthouse Annex  
Cascade County Commissioners Chambers

Board Members: Bill Austin, Charles Kuether, Leonard Reed, Rob Skawinski,  
Michele Levine

Notice: These minutes are paraphrased and reflect the proceedings of the Zoning Board of Adjustment.

These minutes are considered a draft until the Zoning Board of Adjustment approves them.

**Notice:** Pursuant to MCA 2-3-212(1), the official record of the minutes of the meeting is in audio form, located at [cascadecountymt.gov](http://cascadecountymt.gov) and the Clerk and Records Office. This is a written record of this meeting to reflect all the proceedings of the Board. MCA 7-4-2611 (2) (b). Timestamps are indicated in red, within each agenda item below, and will direct you to the precise location should you wish to review the audio segment.

**STAFF ATTENDEES:** Alex Dachs, Michael Stone and Natalia Wilson

**PUBLIC ATTENDEES:** Annete Kniffen, Jene Rust, James Fryberger, Brian & Michelle Lindgren, McKenzie Salotti, John Salloti, Pam Fryberger, Darcy Wilkinson, Jessica Fryberger, Sue Scott, Amy Brooks, Marcia Shanahan, Sarah Steyee, Judd Brooks Chris Hedstrom and Cassidy Gastoda

**1. CALL TO ORDER:** Chairman Bill Austin called the meeting to order at 9:00 am.

**2. ROLL CALL**

**BOARD MEMBERS PRESENT:** Bill Austin, Leonard Reed, Rob Skawinski, Michele Levine

**BOARD MEMBERS ABSENT:** Charles Kuether

**3. APPROVAL OF MINUTES: July 11, 2018 and August 16, 2018**

Michele Levine 00:55 stated she would like to see the conditions added to the minutes from July and also have the full wording on motions. She said she was ok with the August minutes.

**Bill Austin** Agreed, said it would be nice if it was more complete.

**Alex Dachs** said we will have the staff add the conditions to the motion.

**Bill Austin** made a motion to approve the minutes with additions

**Leonard Reed** Second the motion

**Bill Austin** explained about the quorum to the public and said that we must have it to proceed with meeting (about our September cancelled meeting)

#### **4. NEW BUSINESS:**

##### **A. Public Hearing: Tim Wilkinson- Second Dwelling-Special Use Permit**

Tim Wilkinson is requesting approval of a Special Use Permit to allow a second dwelling/townhouse

**Staff Report by Alex Dachs 4:23**

**Motions:**

- A. Alternative 1:** Move the Special Use Permit to allow the placement of a Townhome on Lot 6, Block 6, Phase 7, Spring Tree Ridge, Cascade County, MT Be denied due to (ZBOA member proposing denial must delineate the legal reason that the application be denied):
- or
- B. Alternative 2:** Move the Board adopt the staff report and **approve** the Special Use Permit to allow the placement of a Townhouse on Lot 6, Block 6, Phase 7, Spring Tree Ridge, Cascade County, MT subject to the following 3 conditions:
1. The applicant obtains any other required county, state, or federal permits and comply with regulations associated with any other permits.
  2. Applicant obtains addresses from Cascade County Public Works /GIS / Mapping Addressing for E911 purposes
  3. Applicant obtains approval for septic permit from City-County Health Department to install septic system

##### **Board Questions:**

**Bill Austin 17:12** asked is the applicant here? Would you like to address the board?

**Darcy Wilkinson 17:20** 75 Spring Ridge Dr. said we just wanted you to know we are approved for a similar project, our units are 1900 sq. feet and we are approved for water system and drain field for a multifamily each has their own septic system, but we have a drain field below we have not had any complaints. They are sold and under contract.

**Public Hearing opened at 9:20 am**

**Proponents: none**

**Opponents: none**

**Public Hearing closed at 9:21 am**

**Discussion and Decision:**

**Bill Austin 17:54** asked are these similar to the others?

**Darcy Wilkinson** stated we don't like cookie cutter, so they will change some.

**Rob Skawinski 18:55 Motion to adopt** the staff report and approve the Special Use Permit to allow the placement of a Townhouse on Lot 6, Block 6, Phase 7, Spring Tree Ridge, Cascade County, MT subject to conditions

1. The applicant obtains any other required county, state, or federal permits and comply with regulations associated with any other permits.
2. Applicant obtains addresses from Cascade County Public Works /GIS / Mapping Addressing for E911 purposes
3. Applicant obtains approval for septic permit from City-County Health Department to install septic system

**Leonard Reed** seconded the motion

**All in favor, Motion carries 4-0**

**B. Public Hearing: Jessica and Dusty Fryberger Indoor Sports & Recreation /Indoor Entertainment Special Use Permit**

Jessica and Dusty Fryberger are requesting approval of a Special Use Permit to allow Indoor Sports and Recreation/Entertainment

**Staff Report: Michael Stone 21:02**

**Motions:**

- A. Alternative 1:** Move the Special Use Permit to allow indoor sports and recreation / entertainment activities on Parcel 005735900, Geocode 02-3136-26-1-01-03-0000 be **denied** (ZBOA member proposing denial must delineate legal reason that the application be denied): or
- B. Alternative 2:** Move the Board adopt the staff report and **approve** the Special Use Permit to allow indoor sports and recreation / entertainment activities on Parcel 0005735900, Geocode 02-3136-26-1-01-03-0000 subject to the following conditions:
  - 1.The applicant obtains any other required county, state, or federal permits and comply with regulations associated with any other permits.

### **Board Questions/Comments**

**Bill Austin** 45:55 asked any questions or comments is the applicant here?

**Jessica Fryberger** 46:47 202 US HWY 89 Vaughn, MT. Thank you for helping to get this property back to legal status also that we are striving very hard to get it back to a more usable condition. We are trying to get the weeds under control and fix the existing building. We are adding landscaping and fencing and moving corrals. We are trying to minimize any impact on our neighbors Big Sky Deli.

**Bill Austin** 47:10 asked is that the arena that was there already the existing building. I've used it before myself for different events.

**Jessica Fryberger** 47:34 said yes, we have a waiting list of 30 horses waiting for boarding pens to be constructed, have at least 15 individuals that have contacted us for open riding and then we have two events tentatively schedule waiting for approval for October. We have a 3-day English schooling event people are coming from Fort Shaw, Missoula, and Kalispell, and a barrel race at the end of the month. Planning to expand and improve and add team roping and some other things when we get the property back into working order.

**Michele Levine** 49:28 asked can you indicate where the corrals will be moved to?

**Jessica Fryberger** 48:31 said because of all of the water lines and electrical lines are there, where they have the existing 12 corrals financially and also logistically it doesn't make sense to totally remove them, but we will do our best to work with what we have we will be moving them farther. They will be in the same general area but back from the road. We will be adding space and shifting them to the other side so we can add fence and landscaping also the previous owners did not live in the property, they had to face family difficulties that has made it hard to maintain it, and we have plans for contracts with our borders that they will be removing their own waste or we will be removing it on a weekly or monthly fashion, rather than years and years and years, because we are cleaning the corrals now and there is years of waste there. We have a very big five-year plan. In the future those corrals will be leveled. From here on out they will be cleaned so that should help with the odor.

**Bill Austin** 50:38 stated but there is always going to be a smell.

**Jessica Fryberger** 50:45 said yes, it's agricultural land its always going to be there.

**Rob Skawinski** 50:54 asked can you elaborate on the corrals? Are they going to be further away from the road than they are right now?

**Jessica Fryberger** 50:58 said yes.

**Rob Skawinski** 51:00 asked what's the distance?

**Jessica Fryberger** 51:03 said between 50 and 100 feet.

**Rob Skawinski** 51:10 asked what type of fence? Are you putting a fence between the corrals and the road?

**Jessica Fryberger** 51:16 said we are still in the planning phase of the corrals. They will be built from pipe. We will leave the fence that is currently there. There is a nice wood

fence that we will scrape and repaint and add trees and bushes for a buffer and there will be a large alley there for trailers to park.

**Leonard Reed 52:22** said sounds like you have done a good job of planning.

**Jessica Fryberger 52:42** said thanks, we've had lots of input.

**Public Hearing opened 9:53 a.m.**

**Bill Austin asked for proponents:**

**Sue Scott 53:06** 1130 4<sup>th</sup> Ave I am not for or against, I sit on the board for the water and sewer here in Vaughn. I was curious how do the citizens contact you if there is an issue, I know the fields become extremely odorous after the fall, I know from the sounds of your planning it sounds like you have a heads up on this.

**Jessica Fryberger 53:42** said yes, we are trying to rectify a lot of the issues of the past owners. We are in the process of getting a sign made that will be on the front, there will also be one in the barn with contact information, we also have a social media presence so we can be contacted directly that way, and we will have a website up and running so any of those would be available for contact, with phone number and email.

**Sue Scott 54:35** said it sounds like most of the traffic would be coming off 89 because 12<sup>th</sup> St is residential.

**Jessica Fryberger 54:46** said yes, because 12<sup>th</sup> St is residential, and we want to minimize traffic through there.

**Sarah Steyee 55:55** 12950 HWY 200 Fort Shaw. I moved to this area thinking it was going to be very supportive of equine life style and I think having a business like this with owners like this only support the ramification of the area. The property has always been there, the arena is there, and is not going anywhere, so I think the area should support people coming in and fixing it because if they don't support it it's going to be worse. The complaints people have its only going to get fix by supporting the fixing of the property. I'm trying to help Jessica and there are hundreds of barrel racers that want to come to this property, so the business that it will bring to the area I think it's huge.

**John Salotti 57:38** 216 US HWY 89. We live in the property immediately to the west of this property we just purchased it one of our hesitancies of moving to Vaughn is the lack of recreation, we got 4 boys that we need to keep busy and currently in Vaughn there is only casinos and bars, also the current state of the arena right now and this proposal fixes both issues this guys have done a ton of work out there just in the short time they've been there we support it.

**Jude Brooks 58:29** 56 Deer Lane Loop. The arena has steadily declined we are excited to see someone with a vision and resources to take it over and turn it over into something that benefits not only them but the community I think the positives definitely outweigh the negatives, because this thing is in decline so anything they can do it's a positive to the community.

**Chris Hedstrom 59:29** 979 Ave E. I'm a member of the Saddle Club in Great Falls and the arena is our back up spot (for when it rains). Until recent years, the arena has

always been there. Until recent years, there was no place to park, I was pleased to hear they are hauling gravel for parking as a saddle club we draw thousands of people into town. If we have back up they will come, the improvements I've seen are good. They are correcting previous owners neglect and they have made huge strides towards correcting it.

**Amy Brooks** 1:01:31 56 Dear Lane Loop. I have 6 Kids and we moved to Vaughn, so they could have a country lifestyle and to participate in some of those activities as well as a job. It will be great to have something local. Thank you.

**Cassidy Gastoda** 1:02:18 103 3<sup>rd</sup> Ave N. I am not native, I moved here about 4 years ago I was gifted a horse with nowhere to put it. Glad to have the ability to keep a horse somewhere nice also the opportunity to ride all year long. The opportunity for the youth is huge. I'm very excited to keep my horse there maybe multiple horses if my husband allows. Good opportunity for children to be a part of the equine community.

**Marcia Shanahan** 1:04:30 217 US HWY 89. stated I own the Country Heaven Veterinary clinic. I built my practice in '95 and watched the arena go up and saw it deteriorate very sad, the main thing is we have owners and this family is a work ethic family and they will give to the community and give the youth work ethic. I welcome them and hope for great improvement.

**Bill Austin called for opponents: none**  
**Public Hearing closed at 10:06 a.m.**

#### **Board Discussion and decision**

**Bill Austin** 1:06:22 said I'm personally excited about this because I remember when they built that, and we used to use a lot and happy to hear you talk about it.

**Michele Levine** 1:07:04 asked do we have to do this same process again? (for Fryberger -outdoor permit)

**Bill Austin** 1:07:20 said yes, we are expected even though they are kind of the same.

**Leonard Reed** 1:07:30 made a Motion to move the Board to adopt the staff report and approve the Special Use Permit to allow indoor sports and recreation / entertainment activities on Parcel 0005735900, Geocode 02-3136-26-1-01-03-0000 subject to the following conditions:

1. The applicant obtains any other required county, state, or federal permits and comply with regulations associated with any other permits.

**Michele Levine** seconded the Motion.  
**All in Favor, Motion carries 4-0**

#### **C. Public Hearing: Jessica and Dusty Fryberger -outdoor Sports & Recreation/Outdoor Entertainment - Special Use Permit**

**Staff Report: Michel Stone 1:08:08**

### **Motions**

**A. Alternative 1:** Move the Special Use Permit to allow outdoor sports and recreation / entertainment activities on Parcel 0005735900, Geocode 02-3136-26-1-01-03-0000 be ~~denied~~ (ZBOA member proposing denial must delineate the legal reason that the application be denied) or:

**B. Alternative 2:** Move the Board adopt the staff report and **approve** the Special Use Permit to allow outdoor sports and recreation / entertainment activities on Parcel 0005735900, Geocode 02-3136-26-1-01-03-0000 subject to the following conditions:

- 1.The applicant obtains any other required county, state or federal permits and comply with regulations associated with any other permits.

### **Board Questions/Comments**

**Michele Levine 1:30:19** asked can you address the activities that you might take to mitigate soil erosion around the man-made dyke?

**Jessica Fryberger 1:30:30** stated we have no intention of grassing on property. We have property in proximity to the dyke and have never grassed it, I did not know that was allowed when I saw that comment; I was surprised. We are only using the dyke for transporting animals.

**Michele Levine 1:31:07** asked is there a fence?

**Jessica Fryberger 1:31:08** said yes, there is a fence and a locked gate.

**Michele Levine 1:31:32** said is there anything you wish to say about the letter and mitigating this concern?

**Jessica Fryberger 1:31:35** stated my first knowledge of the letters was at that last meeting. I understand residents' discomfort, we plan to address concerns and management will make a difference.

**Bill Austin 1:32:08** stated sounds like you have a handle on that.

**Jessica Fryberger 1:32:17** said hopefully that's the best we can do with what we have to work with and hopefully they understand that.

**Michele Levine 1:32:36** asked if the weed management plan has been implemented?

**Jessica Fryberger 1:32:48** said we are spraying and mowing the arena (her dad said weeds are as tall as his tractor) we are doing our best to take over a bad situation. When I met with Josh from the weed place, I told him this property borders our property in Vaughn. We have 80 acres and in 3 years we got rid of the leafy spurge and got six tons to the acre on alfalfa fields, so we told him we know how to take care of weeds, but sometimes it takes us a little while.

**Michele Levine 1:34:34** asked is this the property to the south?

Jessica Fryberger showed the property on the map.

Public Hearing opened 10:36 a.m.

Bill Austin asked for proponents:

Pam Fryberger 1:35:12-80 12<sup>th</sup> Street stated my property is right next to the property and it isn't that big of a problem I mean you look out there is tall weeds and they've cleaned up lots and it will be nice to have it working instead of just sitting there and no one can use it. We used to have the high school kids do stuff, and it will be nice for the children to have the opportunity to learn.

Bill Austin 1:35:56 said thank you any more proponents. No? Then I will open it up for opponents.

Opponents: None

Public Meeting closed 10:37 a.m.

Michele Levine made a motion 1:36:27 Move the Board adopt the staff report and approve the Special Use Permit to allow outdoor sports and recreation / entertainment activities on Parcel 0005735900, Geocode 02-3136-26-1-01-03-0000 subject to the following conditions:

1. The applicant obtains any other required county, state or federal permits and comply with regulations associated with any other permits.

Leonard Reed second the motion

Motion carries 4-0

5. OLD BUSINESS: none

6. BOARD MATTERS:

Alex Dachs mentioned that there is an application we have received and will be in contact. Let us know when you are not available, so we can make our schedules. We are thinking the middle or beginning of November.

7. Public Comments Regarding Matters within the Board's Jurisdiction: none

8. ADJOURNMENT:

Leonard Reed made a Motion to adjourn

Michele Levine seconded the Motion

All in favor, meeting adjourned at 10:38 a.m.



Bill Austin  
Chairman Bill Austin or VC Charles Kuether

11-1-18  
Date

Alex Dachs  
Alex Dachs - Sander Hopkins

11-2-18  
Date